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FILED

JUN 07 2021

Clerk, U.S. District Court
 District Of Montana
 Great Falls

CLERK OF DISTRICT COURT
 TINA HENRY

2020 NOV -4 AM 9:40

FILED
 BY K. Moore
 DEPUTY

Attorney for Plaintiff

EIGHTH JUDICIAL DISTRICT, CASCADE COUNTY MONTANA

LANCE BROADBENT,

Plaintiff,

vs.

FEDERAL EXPRESS CORPORATION,

Defendant.

Cause. No.: **ADV 20-0594**

JOHN W. PARKER

COMPLAINT AND JURY DEMAND

CV-21-57-GF-BMM-JTJ

This is a Complaint for wrongful termination of employment. The Plaintiff was an employee of the Defendant. The method and reason for discharging Plaintiff were not for good cause and no grounds existed for his termination. Plaintiff was an exemplary employee and had served the business for over 27 years. Plaintiff seeks a trial by jury and all compensatory damages available under law.

PARTIES

1. Plaintiff is a resident of Cascade County, Montana, and is therefore subject to Montana jurisdiction;

2. Defendant, Federal Express Corporation (FedEx) is a Tennessee corporation, registered in Montana has a foreign corporation. It's registered agent in CT Corporation System in Missoula, Montana.

3. Jurisdiction and Venue is proper before this Court.

FACTUAL ASSERTIONS

4. Plaintiff was employed to work at the Defendant's business and had done so with an exemplary record for over 27 years.

5. Plaintiff was suspended from his employment, pending an investigation, on October 16, 2019.

6. Plaintiff was 'investigated' for allegations. However, he was never requested to make a formal statement or even a recorded statement. The meeting took place weeks after the suspension.

7. Plaintiff was terminated based upon the statement of a junior employee who did not have the history with the company.

8. Plaintiff was terminated December 31, 2019, via termination letter.

9. Plaintiff properly grieved his termination internally and exhausted all administrative remedies.

10. Plaintiff denies any wrongdoing.

11. Plaintiff affirmatively alleges that the Defendant did not engage in a good faith investigation and did not include all necessary information so that an accurate decision could be made.

12. Plaintiff has properly mitigated his damages.

COUNT I – BREACH OF THE COVENANT OF GOOD FAITH AND FAIR DEALING

13. Plaintiff hereby incorporates the above paragraphs as if fully set forth herein.

14. The Defendant violated the implied covenant of good faith and fair dealing in every employment relationship and caused Plaintiff to suffer lost wages, benefits, lost future earning capacity, and general damages.

COUNT II – WRONGFUL DISCHARGE FROM EMPLOYMENT

15. Plaintiff hereby incorporates the above paragraphs as if fully set forth herein.

16. Plaintiff performed his job satisfactorily and was receptive to suggestions for improvement. Pursuant to §39-2-904, M.C.A., Plaintiff's employment could only be terminated for good cause, as that term is defined by Montana law;

17. Defendant discharged Plaintiff without good cause.

18. The Defendant violated the Montana Wrongful Discharge from Employment Act, causing Plaintiff to suffer lost wages and benefits, costs of finding new employment, and loss of interest on wages and benefits lost. Defendant's conduct in firing Plaintiff was malicious within the meaning of sections 27-1-220, 221 MCA.

JURY DEMAND

Plaintiff demands a trial by jury for this matter.

WHEREFORE, the Plaintiff prays that he has and recover judgment against the Defendant:

1. For an award of damages in an amount to be proven at trial;
2. For the recovery of all compensatory and consequential damages including lost wages and benefits, future lost earning capacity, and general damages including mental and emotional distress, loss of established course of life, harm to ability to enjoy life, and other general harms;
3. For an award of attorney fees and costs incurred by Plaintiff, to the extent allowed by law; and,
4. For costs, attorney's fees, and such further relief as the court deems just and proper.

DATED this 30 day of November, 2020.


DANIEL J. FLAHERTY